

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

B.P., H.A., and S.H., individually, and on)	
behalf of all others similarly situated,)	
)	
Plaintiffs,)	No: 2:23-cv-00071-TRM-JEM
v.)	
)	
CITY OF JOHNSON CITY, TENNESSEE,)	
a government entity, et al.)	
)	
Defendants.)	

**REPLY IN SUPPORT OF MOTION TO QUASH
BY JUSTIN JENKINS¹, IN HIS INDIVIDUAL CAPACITY**

Comes now, Justin Jenkins, through undersigned counsel, who submits the following in reply to Plaintiffs' *Opposition in Response to Defendant Jenkins' Motion to Quash Subpoenas Duces Tecum on Financial Institutions* (Doc. 205).

1. Jenkins has standing to quash the subpoenas issued to the accounting firm and financial institutions.

While it is true, as the Plaintiffs point out, and as the cases cited by the Plaintiffs demonstrate, the Sixth Circuit has held that an individual has no *constitutionally protected* privacy interest in their financial affairs. State Farm Mut. Ins. Co. v. Policherla, 2009 U.S. Dist. LEXIS 62135, at *8 (E.D. Mich. July 20, 2009) (citing Jenkins v. Rock Hill Local Sch. Dist., 513 F.3d 580, 591 (6th Cir. 2008); Overstreet v. Lexington-Fayette Urban County Gov't, 305 F.3d 566, 575 (6th Cir.

¹This reply is made only on behalf of Jenkins in his individual capacity given the Plaintiffs do not oppose Higgins' motion to quash.

2002). However, whether Jenkins has a *constitutionally-protected* privacy interest in his bank records is not the issue, as courts in this Circuit have routinely acknowledged that an individual may have a sufficient personal privilege or right so as to confer standing to quash a subpoena to a non-party. See Waite v. Davis, No. 1:11-cv-0851, 2013 U.S. Dist. LEXIS 5253, at *14-15 (S.D. Ohio Jan. 14, 2013). Courts in this Circuit have routinely recognized such “rights and privileges” extend to personal bank records. Id.; See also Hackmann v. Auto Owners Ins. Co., No. 2:05-cv-876, 2009 U.S. Dist. LEXIS 15128, at *3 (S.D. Ohio Feb. 6, 2009); Zakutney v. Moore, 2022 U.S. Dist. LEXIS 221, at *3 (W.D. Ken. Jan. 3, 2022). Moreover, courts in this Circuit have held a personal right may be found where the nature of the information sought is “highly personal and confidential.” See Polylok Inc. v. Bear Onsite, LLC, No. 3:12-cv-535, 2016 U.S. Dist. LEXIS 173289, at *4 (W.D. Ken. Dec. 15, 2016) (quoting United States v. Idema, 118 Fed. Appx. 740, 744 (4th Cir. 2005)). In fact, in Newton v. Air Sys. Inc., No. 3:18-cv-00497, 2019 U.S. Dist. LEXIS 249737, at *6-7 (W.D. Ken. Aug. 30, 2019), the district court held an individual party had standing to quash a subpoena to a nonparty for banking records. Id.

Here, like in Newton, Jenkins has standing because the Plaintiffs seek six-years worth of his highly personal and confidential banking information. Given the nature of this information, Jenkins submits he clearly has standing to quash the subpoenas issued to the various entities in possession of his sensitive financial information.

2. The information sought by the subpoenas is irrelevant and unlikely to lead to relevant, admissible evidence.

In their response, the Plaintiffs argue the information sought by the subpoena may provide evidence of Jenkins’ purported motive to obstruct a sex trafficking investigation. Plaintiffs’

equivocal language in their response is telling, using phrases such as, “may have been”, “is possible” and “could have”. Doc. 205, PageID#4224. Such language supports Jenkins’ assertion that Plaintiffs’ attempt to obtain these records is nothing more than a fishing expedition, especially in light of the fact that the Second Amended Class Action Complaint does not contain any facts from which one could even draw a reasonable inference that (1) Jenkins was aware of any claims of sexual assault against Sean Williams or that Jenkins was even generally aware of Williams, outside of the Female 3 investigation; (2) that there was a TVPA sex trafficking investigation of Williams at the time Jenkins participated in the Female 3 investigation; or (3) that Jenkins knew of a TVPA sex trafficking investigation at the time he participated in the Female 3 investigation. In other words, the Plaintiffs have not even pled facts to link Jenkins’ purported motive for obstructing a TVPA sex trafficking investigation to an actual, active sex trafficking investigation. Without those allegations, the subpoenas to the financial institutions and Jenkins’ accountant amount to nothing more than a fishing expedition.

CONCLUSION

For these reasons, and for those stated in Jenkins’ principal brief, Jenkins respectfully requests that the Court enter an order quashing the subpoenas to his accountant and to the various financial institutions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically on June 10, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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